

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

Case No. 1:24-cv-21136-LIEBOWITZ

TUSHBABY, INC.,

Plaintiff,

v.

FLEEROSE,

Defendant.

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**MOTION TO APPEAR *PRO HAC VICE*,  
CONSENT TO DESIGNATION, AND REQUEST TO  
ELECTRONICALLY RECEIVE NOTICES OF ELECTRONIC FILING**

In accordance with Local Rules 4(b) of the Rules Governing the Admission, Practice, Peer Review, and Discipline of Attorneys of the United States District Court for the Southern District of Florida, the undersigned respectfully moves for the admission *pro hac vice* of Leo M. Lichtman of ESCA Legal LLC, 1177 6th Avenue, 5th Floor, New York, NY 10036 telephone (347) 745-2535, for purposes of appearance as counsel on behalf of Plaintiff Tushbaby, Inc. in the above-styled case only, and pursuant to Rule 2B of the CM/ECF Administrative Procedures, to permit Leo M. Lichtman to receive electronic filings in this case, and in support thereof states as follows:

1. Leo M. Lichtman is not admitted to practice in the Southern District of Florida and is an attorney in good standing admitted to practice in New York and California. Mr. Lichtman is also admitted to practice and in good standing with the United States District Courts for the Southern and Eastern District of New York, the United States District Court for the Central District of California, and the United States Court of Appeal for the Ninth Circuit.

2. Movant, James M. Slater, of counsel with the law firm of ESCA Legal LLC, 9000 Dadeland Blvd #1500, Miami, FL 33156, telephone (305) 523-9023, is a member in good standing of The Florida Bar and the United States District Court for the Southern District of Florida and is authorized to file through the Court's electronic filing system. Movant consents to be designated as a member of the Bar of this Court with whom the Court and opposing counsel may readily communicate regarding the conduct of the case, upon whom filings shall be served, who shall be

required to electronically file and serve all documents and things that may be filed and served electronically, and who shall be responsible for filing and serving documents in compliance with the CM/ECF Administrative Procedures. *See* Section 2B of the CM/ECF Administrative Procedures.

3. In accordance with the local rules of this Court, Leo M. Lichtman has made payment of this Court's \$200 admission fee. A certification in accordance with Rule 4(b) is attached hereto.

4. Leo M. Lichtman, by and through designated counsel and pursuant to Section 2B CM/ECF Administrative Procedures, hereby requests the Court to provide Notice of Electronic Filings to Leo M. Lichtman, at the email address: [leo@esca.legal](mailto:leo@esca.legal).

5. Additionally, and as the Court knows, this case initially included several defendants and pursuant to the Court's Order severing the case, Plaintiff filed new actions for each of the severed defendants, all of which have been consolidated into this lead case. Plaintiff has also filed a related action involving the same subject matter against Defendant seeking a declaratory judgment of non-infringement, which is pending before this Court. Case No. 24-cv-22149. Finally, in addition to the instant case, two other lead cases involving similar claims brought by Plaintiff to which Mr. Lichtman is concurrently seeking admission pro hac vice, Case Nos. 24-cv-20941 and 24-cv-22281, were likewise severed by this Court, and Plaintiff has filed new actions against each of the severed defendants, all of which are consolidated or otherwise related to its respective lead case. Accordingly, and to the extent the Court determines that Mr. Lichtman's appearance in each of the three lead cases, as well as consolidated and related cases, constitutes more than three cases pursuant to Local Rule 4(b), movant and Mr. Lichtman would respectfully request that the Court waive the three-case limitation for good cause shown. Specifically, there is good cause to allow Mr. Lichtman to act as counsel with respect to the lead cases as well as all related and consolidated matters, because they all arise out of the three lead cases, and because this Court has already determined that the cases are related. (*See* ECF Nos. 74, at 8).

WHEREFORE, James M. Slater moves this Court to enter an Order permitting Leo M. Lichtman to appear before this Court on behalf of Plaintiff Tushbaby, Inc. for all purposes relating to the proceedings in the above-styled matter and directing the Clerk to provide notice of electronic filings to Leo M. Lichtman.

Date: September 3, 2024

Respectfully submitted,

**James M. Slater**

James M. Slater (FBN 111779)

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*Attorneys for Plaintiff Tushbaby, Inc.*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
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TUSHBABY, INC.,

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**CERTIFICATION OF LEO M. LICHTMAN**

Leo M. Lichtman, Esq., pursuant to Rule 4(b)(1) of the Rules Governing the Admission, Practice, Peer Review, and Discipline of Attorneys, hereby certifies that:

1. I have studied the Local Rules of the United States District Court for the Southern District of Florida;
2. I am an attorney in good standing admitted to practice in New York and California, the United States District Courts for the Southern and Eastern Districts of New York, the United States District Court for the Central District of California, and the United States Court of Appeals for the Ninth Circuit; and
3. I have not filed more than three pro hac vice motions in different cases in this District within the last 365 days.



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Leo M. Lichtman